

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NANCY A. SPRANKLE,	:	
	:	
Plaintiff	:	
	:	
v.	:	CIVIL ACTION
	:	FILE NO. _____
	:	
RODERICK JACKSON, JRC	:	
TRANSPORTATION, INC., and	:	
SENTRY SELECT INSURANCE	:	
COMPANY,	:	
	:	
Defendants.	:	

PETITION FOR REMOVAL

TO: The Judges of the United States District Court, Northern District of Georgia

Defendants Roderick Jackson, JRC Transportation, Inc. and Sentry Select Insurance Company, (“Defendants”) respectfully show the Court as follows:

1.

A civil action has been brought against the Petitioner in the State Court of Fulton County, State of Georgia, by the above-named Plaintiff, said action being designated as Civil Action No. 23EV004002 in which Plaintiff Nancy A. Sprankle seeks to recover of the Defendants sums in excess of \$75,000.00 exclusive of interest and costs.

2.

The Plaintiff is now, was at the time of the commencement of this action, and at all times since have been citizen and resident of the State of Georgia.

3.

Defendant Roderick Jackson is now, was at the time of the commencement of this lawsuit, and at all times since, a citizen and resident of the state of South Carolina.

4.

Defendant JRC Transportation, Inc., is now, was at the time of the commencement of this lawsuit, and at all times since, a corporation organized and existing under the laws of the State of Connecticut, having its principal place of business in Thomaston, Connecticut.

5.

Defendant Sentry Select Insurance Company, is now, was at the time of the commencement of this lawsuit, and at all times since, a corporation organized and existing under the laws of the State of Wisconsin having its principal place of business in Stevens Point, Wisconsin.

6.

Defendants attach copies of the following documents that were filed with the State Court of Fulton County:

- Exhibit A Summons, Complaint and Jury Demand;
- Exhibit B Plaintiff's First Interrogatories and Request for Admissions to Defendant Roderick Jackson;
- Exhibit C Plaintiff's First Interrogatories, Request for Production of Documents and Request for Admissions to Defendant JRC Transportation, Inc.;
- Exhibit D Plaintiff's First Request for Admissions to Defendant Sentry Select Insurance Company;
- Exhibit E Affidavit of Non-Service for Defendant Roderick Jackson;
- Exhibit F Affidavits of service for Defendants JRC Transportation, Inc. and Sentry Select Insurance Company;
- Exhibit G Answer of Defendants JRC Transportation Inc. and Sentry Select Insurance Co. and Special Appearance Answer for Roderick Jackson;
- Exhibit H Demand for Twelve-Person Jury;
- Exhibit I Defendants' JRC Transportation, Inc. and Sentry Select Insurance Company's Responses to Plaintiff's First Request for Admissions, Defendant Roderick Jackson's Special Appearance Response to Plaintiff's Request for Admissions, and Rule 5.2 Certificate of Service;
- Exhibit J Leave of Absence for James W. Hardee; and
- Exhibit K Plaintiff's Time-Limited Demand for \$750,000.00 dated April

17, 2023.

7.

In the Complaint (Exhibit A) filed by the Plaintiffs in the State Court of Fulton County, Plaintiff Nicky A. Sprankle asserts that she has incurred medical expenses of not less than \$81,631.42. In that same demand letter, Plaintiff Nicky A. Sprankle asserted a claim for recovery against Defendants JRC Transportation, Inc. and Sentry Select Insurance Company in the amount of \$750,000.

7.

Now, within thirty (30) days after receipt of the filing of the Summons and Complaint, the Defendants remove this case to this Court pursuant to 28 U.S.C. § 1446(b) which permits a case to be removed if the case stated by the initial pleading is not removable, but the Defendants later receive other paper (which includes written discovery responses) from which it can be ascertained that the case is one which has become removable, then the Defendants may remove the case to federal court on the basis of diversity jurisdiction provided by 28 U.S.C. § 1332, so long as not more than one-year has expired since the case was commenced on March 25, 2020.

8.

Plaintiff Nicky A. Sprankle could have originally brought this action in this Court under 28 U.S.C. § 1332, in that it is a civil action wherein the amount in controversy exceeds seventy-five thousand dollars (\$75,000), exclusive of interest and cost, and there is diversity of citizenship between the parties.

9.

If a jurisdictional amount in controversy would have been stated specifically in the Plaintiff's Complaint, this action could have originally been brought in this Court under 28 U.S.C. § 1332, in that it is a civil action wherein the amount in controversy exceeds seventy-five thousand dollars (\$75,000), exclusive of interest and cost, and there is diversity of citizenship between the parties.

10.

Pursuant to 28 U.S.C. § 1441, et seq., and 28 U.S.C. § 1367, this action is now removable by reason of diversity of citizenship, there being more than \$75,000.00 in controversy, exclusive of interest and costs.

WHEREFORE, Defendants Roderick Jackson, JRC Transportation, Inc., and Sentry Select Insurance Co. file this Notice of Removal of said cause to this Court.

Respectfully submitted this 3rd day of August, 2023.

**FAIN, MAJOR & BRENNAN,
P.C.**

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/s/ James W. Hardee

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and Sentry Select Insurance
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CERTIFICATION

Pursuant to L.R. 7.1(D) N.D.Ga., I certify that this document has been prepared in Times New Roman Font 14 point, as approved by the Court in L.R. 5.1C, N.D.Ga.

FAIN, MAJOR & BRENNAN, P.C.

BY: /s/ James W. Hardee
JAMES W. HARDEE
Georgia State Bar No. 324399

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COMPANY,	:	
	:	
Defendants.	:	

CERTIFICATE OF SERVICE

This is to certify that I have this date served upon counsel for the opposing parties in the foregoing matter a copy of the foregoing **Removal Petition** with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all attorneys of record as follows:

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This 3rd day of August, 2023.

**FAIN, MAJOR & BRENNAN,
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